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Chairman: Mr. Busacca ..... (Italy)

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The meeting was called to order at 10.20 a.m.

Agenda item 112: Human rights questions (A/52/3, A/52/116, A/52/173, A/52/254-S/1997/567, A/52/262, A/52/286-S/1997/647, A/52/301-S/1997/668, A/52/347, A/52/432, A/52/437, A/52/447-S/1997/775)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (A/52/66, A/52/81-S/1997/153, A/52/85-S/1997/180, A/52/117, A/52/125-S/1997/334, A/52/133-S/1997/348, A/52/134-S/1997/349, A/52/135, A/52/151, A/52/182, A/52/204, A/52/205, A/52/468, A/52/469 and Add.1, A/52/473, A/52/474, A/52/475, A/52/477, A/52/483, A/52/489, A/52/494, A/52/498, A/52/548 and A/52/567)

(c) Human rights situations and reports of special rapporteurs and representatives (A/52/61-S/1997/68, A/52/64, A/52/125-S/1997/334, A/52/170, A/52/472, A/52/476, A/52/479, A/52/484, A/52/486 and Add.1, A/52/490, A/52/493, A/52/496, A/52/497, A/52/499, A/52/502, A/52/505, A/52/506, A/52/510, A/52/515, A/52/522, A/52/527 and A/52/583)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (A/52/36 and A/52/182)

(e) Report of the United Nations High Commissioner for Human Rights (A/52/36 and A/52/182)

1. **Mr. Lallah** (Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in Myanmar) said that following the presentation of his report (A/51/466) to the Committee in November 1996, the Permanent Representative of Myanmar had expressed disagreement with the assessment of the situation given in the report. The Permanent Representative of Myanmar, however, had indicated at the sixty-fourth session of the Commission on Human Rights that the Special Rapporteur would be authorized at an appropriate time to visit Myanmar. Although he had assumed his mandate two years ago, he had still not received the necessary authorization.

2. The criticisms levelled by the Myanmar authorities were, in large part, based on the ground that the reports relied on information received from sources outside Myanmar and did not reflect the actual situation in Myanmar. It stood to reason that, in order to make a serious assessment of those criticisms, it was in the interest of Myanmar, and of the international community, for Myanmar to authorize a visit by the Special Rapporteur, thereby demonstrating its commitment to cooperate with the United Nations in accordance with its obligations under the Charter.

3. The report dealt with the situation in Myanmar up to the end of August 1997. A positive factor, which had emerged since then, should be noted: following a meeting held in mid-July, officials of the State Law and Order Restoration Council (SLORC) had taken steps in mid-September to initiate discussions with representatives of the National League for Democracy (NLD). The meeting which had been planned had not eventually taken place, apparently because the authorities had declined to accept the Secretary-General of NLD as a participant in the discussions. That type of misunderstanding was not unusual among parties which had long rejected dialogue, and showed that an environment of trust and seriousness of purpose, in which each side was free to choose its own representatives, was still lacking. The establishment of such an environment would make it possible to initiate a dialogue among all the political parties returned in the 1990 elections, including representatives of ethnic minorities.

4. Almost two years after her release from house arrest, the Secretary-General of NLD still faced serious restrictions on her freedom of movement and expression; she was not able to engage freely in social and political activities, and was kept under constant police or military surveillance. However, shortly after the aborted meeting between SLORC and NLD, nearly a thousand delegates from all over Myanmar had been allowed, after some seven years, to attend the first national convention of NLD, held at the Secretary-General's home. Recently, about 200 dignitaries and supporters of NLD had also been allowed to attend a religious function at the Secretary-General's home, although many guests had been turned away by the police and intelligence forces, and there were reports that NLD had been prevented from organizing meetings elsewhere. Moreover, it was alleged that eight members of NLD had been arrested only a few days previously, and that NLD meetings had once again been prohibited. Although there was the beginning of a change in attitude on the part of SLORC, he observed, as in previous reports, that violation of the exercise of political rights was at the root of most human rights violations in Myanmar.

5. Since he had not been authorized to visit Myanmar, he had obtained information from various sources, governmental, intergovernmental and non-governmental, and had analysed the legal provisions which criminalized the exercise of human rights in Myanmar. It was regrettable that

the situation had not changed by the time of the completion of the report in August 1997, and he continued to receive persistent allegations of violations of the most basic human rights in Myanmar.

6. The reason given by Myanmar to justify the exceptional political regime currently prevailing in Myanmar was that the National Convention had begun work on the formulation of a constitution five years previously and that discussion of the political future of Myanmar could take place only in the National Convention. There was no indication that that work of formulating the constitution would soon be completed; meanwhile, the choices made by the people of Myanmar in the general elections of 1990 had not had effect since a large number of elected members of NLD, which had won most of the seats in the general elections in 1990, were either in prison, dead, or had resigned or been forced to do so, and the activities of NLD had been repressed.

7. In the absence of information about any change in the composition of the National Convention, he reiterated the view that the establishment of democratic governance in accordance with generally accepted international norms required representation of the popular will, the establishment of democratic procedures and the exercise of freedom of opinion and of expression.

8. His report contained an analysis of the laws relating to citizenship and their application in Myanmar, which had many ethnic minorities. According to the preliminary conclusions of the analysis, those laws were often contrary to generally accepted international norms. With regard to other questions addressed in the report, he had to say that the situation of human rights in Myanmar remained very precarious and that many human rights violations (executions, arbitrary arrest and detention, torture, inhuman treatment and violations of freedom of opinion, expression, association, movement and residence) continued to be reported. The International Labour Organization also planned to conduct an inquiry into forced labour practices, which seemed to be common, particularly in the areas where the military was attempting to regain control over insurgent groups. In that connection, he noted that the Village Act and the Towns Act of 1908 and 1907, respectively, were still in force.

9. In order to restore democracy and act on the results of the 1990 elections, Myanmar must abandon its policy of repressing all political activities, which was impeding the exercise of human rights in the country. To that end, the State Law and Order Restoration Council, the National League for Democracy (NLD) and ethnic minorities must move closer to political dialogue and make every effort to implement the recommendations contained in the report of the Special Rapporteur.

10. **Mr. U Pe Thein Tin** (Myanmar) said that the report of the Special Rapporteur on the situation of human rights in Myanmar (A/52/484) was, as it had been the previous year, an attempt to exert political pressure against his country under the guise of legal argumentation.

11. Myanmar had always cooperated with the United Nations in the field of human rights and provided the necessary information in that regard through the Office of the High Commissioner for Human Rights. However, the report of the Special Rapporteur reflected only the views of those opposed to the Government for reasons that were totally unrelated to the issue of human rights.

12. The Government and the people of Myanmar were committed to attaining unity, peace, stability and the rule of law while striving to ensure the country's socio-economic development with unprecedented success. None of those facts was mentioned in the report, and its conclusions and recommendations were totally unacceptable. His delegation therefore categorically rejected the report.

13. It was a well-known fact that Myanmar had not accepted the appointment of a Special Rapporteur and had dissociated itself from the decisions of the General Assembly and the Commission on Human Rights concerning the situation of human rights in the country. However, in a spirit of cooperation with the United Nations, his Government had on several occasions permitted representatives of the Commission on Human Rights to visit Myanmar and had done its utmost to facilitate their mission.

14. However, the reports on those visits had been biased, inaccurate and politically motivated, and were prejudicial to the interests of the country and its people. Unfortunately, those shortcomings were also to be found in the most recent report of the Special Rapporteur.

15. Myanmar would continue to promote and protect human rights in the country and, at the same time, guarantee its national sovereignty. It would also continue to cooperate with the United Nations with a view to achieving those objectives.

16. In order to paint a clear picture of Myanmar's ongoing progress, his delegation would circulate a memorandum on the situation of human rights in the country.

17. **Mr. Amor** (Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief), introducing the third interim report on the

elimination of all forms of religious intolerance (A/52/477) and its addendum, said that the report examined incidents, situations and decisions that seemed to be inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and with the international norms established in the area of freedom of religion and belief. Since the fifty-third session of the Commission on Human Rights, he had addressed 53 communications to 48 States. In addition to the responses from the countries mentioned in the report, he had subsequently received responses from the following countries: Belarus, China, the Russian Federation, Singapore, Slovakia, Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago and Turkey. Mention should be made of his urgent appeal addressed to China and, in particular, that addressed to the United Arab Emirates concerning Mr. Elie Dib Ghalib, whose case was described in detail in paragraph 27 of the report.

18. On the basis of an analysis, the communications to States could be divided into six categories of violations of freedom of religion or belief, ranging from the withholding of religious articles to threats and attacks, and even murder. The report provided specific information in that regard. Such violations – at the hands of States, extremist groups and, at times, religious communities or individuals acting in the name of religion – had been committed against the Christian religion in 22 States, the Muslim religion in seven States, Buddhism in two States and other religions in 23 States. It should be noted that, owing to the material constraints under which special rapporteurs laboured, the communications and responses of States were no longer contained in the reports; consequently, the victims of discriminatory acts, non-governmental human rights organizations and States were deprived of extremely vital information.

19. He stressed the importance of *in situ* visits, which provided an opportunity to enter into a constructive dialogue with States and all the parties concerned; analyse and report on initiatives and lessons learned; and gather information and verify its accuracy with a view to the subsequent formulation of appropriate recommendations. He welcomed the cooperation shown to him by most States and, in particular, China, Greece, India, Iran, Pakistan and the Sudan. In 1997, he had also made a visit to Germany and another to Australia, which had been particularly instructive and on which he would submit two reports to the fifty-fourth session of the Commission on Human Rights. He was also scheduled to visit the United States of America at the invitation of its Government. He had requested Viet Nam, Turkey and Israel, for permission to visit those countries but they had not yet replied. Within the context of the follow-up procedure defined and implemented since 1996, he had received replies from China and Pakistan concerning the implementation of the recommendations contained in the reports. He welcomed the cooperation given to him by the Sudan since his visit to that country in 1996. He hoped for more tangible cooperation from Iran, which had not yet communicated its response but which was engaged in consultations with him. Lastly, India and Greece seemed prepared to cooperate with him regarding the follow-up to his visits, even though they had not yet communicated their responses to him.

20. The Special Rapporteur drew attention to three particularly important issues. The first was discrimination against women on religious grounds (as, for example, in the case of the policy being applied by the Taliban in Afghanistan), a question calling for closer scrutiny by all human rights protection bodies and greater cooperation between States and the non-governmental organizations concerned. The second was the phenomenon of sects, which must be tackled without any infringement of freedom of religion or belief and on that account required further study. The third was religious extremism in all its forms, a scourge from which no society and no religion was immune; it was intolerable both to States and to the international community, and must be condemned and opposed by every means.

21. **Mr. Kodellas** (Greece), speaking on a point of order, said that the Special Rapporteur on the elimination of all forms of religious intolerance and of discrimination based on religion or belief had used an incorrect term in referring to "Macedonia" when introducing his report. In accordance with Security Council resolution 817 (1993) of 7 April 1993, the State in question was provisionally to be referred to, for all purposes within the United Nations, as "the former Yugoslav Republic of Macedonia", pending settlement of the difference that had arisen over its name, a matter that had not yet been settled.

22. **Mr. Garretón** (Special Rapporteur of the Commission on Human Rights charged with investigating the situation of human rights in the Democratic Republic of the Congo) noted that his report (A/52/496) was the one that the Commission, in its resolution 1997/58 of 15 April 1997, had requested him to submit to the General Assembly. He also noted that in March 1997, he had suggested that the Commission should establish a joint mission to investigate massacres and other human rights violations committed in eastern Zaire since September 1996, that the Commission had approved his suggestion and appointed the mission, which had consisted of himself, the Special Rapporteur on extrajudicial, summary and arbitrary executions, and a

member of the Working Group on Enforced or Involuntary Disappearances and had submitted a report to the General Assembly in June 1997 (A/51/942). Lastly, he noted that as the joint mission and he himself had been prevented, first by the forces of Laurent Désiré Kabila and subsequently by his Government, from visiting the Democratic Republic of the Congo, the Secretary-General had, on 15 July 1997, set up a team to investigate the serious violations of human rights and humanitarian law allegedly committed in that country since 1 March 1993. Four months after its establishment, the team had not yet been able to begin its work, owing to the progressively more draconian working conditions imposed on it by the Congolese authorities, and hence would probably be unable to submit its report to the Secretary-General before the end of December 1997.

23. While the 32 years of former President Mobutu's dictatorship had certainly been characterized by many serious human rights violations, Mr. Laurent Désiré Kabila's first months in office had not been any better. His regime had eliminated the rights to life, liberty, physical integrity and the like, and had suspended the right to participate in political life. It had taken no measures to ensure the enjoyment of economic, social and cultural rights. Free elections had been promised but not held. President Kabila exercised exclusive executive and legislative powers, and judges and magistrates were answerable to him. The new armed forces and the police were at the service of the Government and committed abuses against opponents and enemies. A constitutional commission had been established in October, but that did not imply any progress, as President Kabila had himself appointed all the Commission's senior officers and their assistants. Since there were no plans to introduce democracy in the short, medium or long term, and no institutions capable of restraining those in power, it seemed entirely likely that the Congolese people would be unable, at any rate in the short term, to enjoy the right to democracy, and that their fundamental rights would continue to be disregarded.

24. To correct the situation, Mr. Kabila's Government should, first and foremost, immediately begin the process of building democracy and initiate a dialogue with the democratic forces. It should also alter the existing structure of the State, which was totalitarian, inasmuch as effective power was concentrated in the hands of one individual and a single party, and should immediately restore the right to justice. For the time being, however, there was little hope that it would do so, as it was evading its responsibilities, preferring to blame others for all the evils it had itself created.

25. Referring to the machinery established by the Commission on Human Rights for investigating human rights situations, he said that if Special Rapporteurs and experts were to work effectively, they must have full independence and freedom of action, i.e., essentially, the freedom to come and go as they pleased, to select the witnesses and victims of human rights violations, to verify their statements, and to draft conclusions and recommendations – in short, they must be in a position to prepare complete, well-documented reports.

26. Human rights violations constituted a very serious threat to international peace and security; it was disturbing that they were taken less seriously than other threats to peace and security. For example, a country which refused to allow certain observers to take part in a search for stockpiles of weapons had been threatened with the use of force unless it complied fully with the measures adopted by the Organization, whereas another country's refusal to allow some observers to take part in an investigation of human rights violations within its borders had produced only a decision to postpone the investigation and a debate about the conditions under which it should be conducted. He wondered whether the Organization was really interested in helping the Congolese people as it had helped the Chilean people in their hour of need.

27. **Mr. Mwamba Kapanga** (Democratic Republic of the Congo) said he was shocked by the Special Rapporteur's statement, which had been made just at the time when his Government had reached an agreement with the United Nations under which it had consented to an investigation of allegations of massacres within its borders. More shocking still, the Special Rapporteur had spent only a single day in the Democratic Republic of the Congo and his report contained errors. For example, it stated that one of the villages where massacres had allegedly been committed was located in the north of the country, whereas in fact it was in the south. He would shortly provide a detailed response to the statement and report of the Special Rapporteur.

28. **Mr. Pace** (Office of the High Commissioner for Human Rights) explained that the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan had been unable, for reasons of health, to present his report (A/52/493) in person, and had asked him to provide a brief introduction.

29. Fighting in Afghanistan had continued on several fronts throughout the period covered by the report. Several hundred persons had been killed, and the number of prisoners, estimated at several thousand, had more than doubled.

30. In order to empty the fertile plains north of Kabul of potential military adversaries, the Taliban had forcibly displaced 200,000 inhabitants of that region into the city in recent months. The number of displaced persons in Afghanistan was currently estimated at 1.2 million.

31. Women were excluded from economic, social and political life. In Kabul, in particular, women and girls were not only denied access to education and employment, they were also in an extremely precarious health situation, as on 6 September 1997, the Taliban Government's Ministry of Public Health had issued new directives ordering the closure of services to women and girls in all the city's hospitals, apart from a few that would be allowed to treat emergency cases. All medical services for women and girls were to be concentrated in a single hospital that was barely operational for lack of equipment and qualified staff.

32. The food shortage, caused by poor harvests and by the fact that the Taliban were preventing food assistance from reaching areas held by opposition forces, had been worsened by massive looting of the World Food Programme depots, containing mostly corn and cooking oil, by armed groups from the anti-Taliban alliance.

33. A damning study of more than 300 children ranging in ages from 8 to 18 undertaken in Kabul and published by UNICEF on 7 October 1997, revealed that between 1992 and 1996, 72 per cent of those children had seen a member of their family die, 40 per cent one of their parents, that nearly all had witnessed acts of violence during the fighting, half of them had seen people die, two thirds had seen dead bodies or parts of bodies, and most were extremely traumatized.

34. **Mr. Dieng** (independent expert appointed by the Commission on Human Rights to assist the Government of Haiti in the area of human rights and to examine the development of the situation in that area in the country), introducing his report on the situation of human rights in Haiti (A/52/499), said that, despite marked improvement, many areas of concern remained (worsening economic and social conditions, the new wave of acts of violence, weaknesses of the judicial system, etc.). In addition, the worsening political situation and internal conflicts could threaten the transition to full democracy.

35. The measures undertaken by President Préval to restore justice and public order and combat poverty could be effective only if supported by initiatives to promote democracy.

36. The enormous challenges facing Haiti were the result of the civil and military dictatorships which had for decades abused political and economic power. He stressed the need for a concerted national effort, so that all segments of civil society could join in the process of gradually achieving economic and social rights, with special emphasis on the right to health and education. The health situation still left much to be desired, although the Ministry of Public Health was determined to broaden health coverage by reorganizing the health system. It would not, however, achieve the desired results without allocation of adequate resources to the health sector. He recalled the provisions of article 12, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights and pointed out that, although Haiti had not yet ratified the Covenant, President Préval had made it clear that full enjoyment of those rights was one of his priorities. The independent expert encouraged the Ministry of Public Health to implement the recommendations contained in his report in order to reinforce the effectiveness and equity of the available public-sector resources.

37. The Ministry of National Education had undertaken the preparation of a plan to solve the urgent problems illustrated by an illiteracy rate of nearly 80 per cent, the poor quality of education and the large number of children without access to education.

38. In order to ensure development of the country, President Préval was determined to modernize State enterprises by opening them to private capital, but the financial poverty of the country made a cooperative approach necessary; the international community must also increase its support and the international financial institutions must be more understanding.

39. Domestic political problems further complicated the situation, with on one hand the open conflict between the Organisation Politique Lavalas (OPL) and the Fanmi Lavalas (Lavalas Family), and on the other the governmental crisis. The conflict between the OPL and the Fanmi Lavalas had been exacerbated by the crisis which had resulted from the senatorial and local elections of 6 April 1997. That conflict had highlighted the risk posed by the electoral issue to the institutionalization of democracy and the rule of law in Haiti, and the threats looming over respect for civil and political rights and the effective enjoyment of economic, social and cultural rights.

40. Referring to Parliament's refusal to endorse President Préval's choice of Mr. Eric Pierre as Prime Minister, he expressed the hope that it would endorse the recent nomination of Mr. Hervé Denis. In order to flourish, democracy required a solid legal framework and effective institutions. Haiti must therefore reorganize the public administration and State enterprises, an especially difficult task given that the country did not have sufficient resources

to undertake major, job creating projects, nor the minimum of good governance, which explained the stalemate in many sectors.

41. It was essential for the international community to strengthen its support for democracy and human rights in Haiti, notably by reinforcing programmes which promoted reform of the justice system (the fight against impunity, modernization of the State apparatus, the strengthening of civil society, economic reforms, etc.) by ensuring coordination of international cooperation in order to avoid spending astronomical sums for meagre results.

42. Concerning the judicial system, on 2 September 1997 the Chamber of Deputies had adopted the draft law on judicial reform. It was his opinion that, before enactment of that law, the relationship between the principle of legality and the rule concerning the period of limitation should be studied; prosecutions should be restricted to only the most serious crimes, involving major sectors of society and affecting the very conscience of mankind. The draft law on judicial reform provided for the definitive withdrawal of all foreign armed forces, including the United Nations Transition Mission in Haiti(UNTMIH), whose mandate was to expire on 30 November 1997. That raised questions about the possible risks for Haiti as a result of the departure of the United Nations contingent, especially since the Haitian national police force was not yet capable of taking over from them. It was to be hoped that a temporary solution based on a framework of bilateral agreements would be found in order to avoid a new crisis.

43. It was also essential that the international community reinforce its support of the judicial system, thereby strengthening other institutions. Pending cases, the quality of criminal procedure and of the penal system, prolonged pre-trial detention and impunity were serious problems which must be resolved without delay. New impetus must be given to reform efforts in order to make progress, which required not only material resources but also the political will to do so, at the national and international levels.

44. He concluded by stating that urgent measures must be taken to satisfy the Haitian people in order to avoid the risk of a return to the same situation which had existed before the arrival of UNTMIH. All parties must do everything possible, starting with the Haitians themselves. The support from the international community would benefit from better coordination, and the international financial institutions must show greater understanding, but most urgent of all was the establishment of a competent and effective judicial system in order to restore a feeling of national confidence.

45. **Ms. Duran** (Venezuela) said that her delegation particularly appreciated the way in which the independent expert had presented the situation of human rights in Haiti in his report. On the one hand, he had highlighted the importance of realizing economic and social rights, a prerequisite for the full realization of human rights, without ignoring the political and legal difficulties involved; on the other hand, he had stressed the critical nature of the international community's support.

46. **Ms. Romulus** (Haiti) said that, while her delegation welcomed the excellent work of the independent expert, it nevertheless had some comments to make on the report on the situation of human rights in Haiti (A/52/499).

47. The problem of human rights was closely linked to the country's situation; moreover, the near total freeze in official development assistance as a result of the *coup d'état* of 30 September 1991, had aggravated the country's economic situation and had indirectly worsened the human rights situation. With the assistance of the international community, the Government was taking pragmatic steps to ensure the promotion and protection of and respect for human rights and fundamental freedoms in the country; it had made considerable progress in establishing the institutional bases for democracy and the protection of human rights.

48. The Haitian State had undertaken to implement a health policy tailored to the growing needs of the population as a whole, including the building of new hospitals. In the field of education, the State Secretariat for Literacy was actively implementing programmes in the remotest parts of the country.

49. Although instances of human rights violations were no longer as massive in nature as in the past, the Government was trying to improve the functioning of the police and prisons systems; however, the police force was not large enough to cope with an emerging, more sophisticated and more violent form of crime.

50. Recalling that under the Haitian Constitution, law-enforcement officers could incur civil or criminal liability, and that unlawful arrests, torture and death as a result of torture during unlawful detention were punished under the Haitian Penal Code, she noted that her Government had demonstrated its determination to put an end to the culture of impunity, including by trying to resolve problems relating to the presence of Haitian criminals who had been repatriated after serving prison sentences abroad.

51. As far as domestic policy was concerned, the road to democracy had its ups and downs; even if the Government

resigned, the State remained and ministers continued to deal with day-to-day matters.

52. The State's responsibility was to ensure the protection of human rights and fundamental freedoms in accordance with the two principal international instruments ratified by Haiti, namely, the International Covenant on Civil and Political Rights and the American Convention on Human Rights. The Government of the Republic of Haiti, determined to end human rights violations, was therefore undertaking to pursue institutional reforms that had a direct impact on the protection of such rights, including the administration of justice, the prison system and the police.

53. **Mr. Deng** (representative of the Secretary-General on internally displaced persons) said that over the past six years, the international community had made considerable progress in addressing the issue of persons internally displaced by armed conflict, civil strife and violations of human rights.

54. Unlike the refugees who crossed borders and benefited from a system of international protection and assistance, there were no legal or institutional bases that would enable the internally displaced to receive similar assistance from the international community. States often lacked the capacity to meet the needs of their internally displaced populations, who were even sometimes identified with the enemy.

55. Given the limits of his mandate and the scope of his task, he had set for himself the twofold goal of raising awareness about the plight of internally displaced persons and promoting the adoption, at the national and international levels, of effective measures for assisting them. In close collaboration with organizations within and outside the United Nations system and with individuals, private foundations and individual Governments concerned, he had endeavoured to promote a more efficient system of protection and assistance based on respect for State sovereignty and cooperation between national authorities and the international community.

56. Apart from formulating strategies for preventing displacement, providing assistance to displaced persons and promoting their safe return and reintegration, he was primarily responsible for developing a legal framework, promoting institutional arrangements and visiting countries in order to hold a dialogue with all concerned.

57. With the help of international legal experts, he had compiled and analysed existing legal standards relating to the internally displaced, identified existing gaps in the area of protection and assistance, and developed a set of guiding principles for addressing the needs of the internally displaced. Those guiding principles would be considered in early 1998 by experts at an international meeting in Austria, with a view to serving as a benchmark.

58. The analysis of institutional arrangements relating to displaced persons had revealed serious gaps. Since no single organization had been mandated to assume full responsibility for the question of internally displaced persons, as the Secretary-General had noted in his report entitled "Renewing the United Nations: A Programme for Reform", which he had presented in July 1997, only an ad hoc system of inter-agency cooperation at the international level was currently being used. Thus, the Emergency Relief Coordinator was responsible for ensuring that all humanitarian issues, including those not covered by the mandates of the agencies concerned, such as the protection and assistance of the internally displaced, were effectively addressed.

59. The principal organs for coordination of the collaborative approach in that area were the Inter-Agency Standing Committee, chaired by the Emergency Relief Coordinator, and its working group to which the functions previously discharged by the Inter-Agency Task Force on Internally Displaced Persons had been assigned. At the field level, the coordinating role was assumed by the Resident Coordinator and, in specific situations, any agency might be designated as a lead agency or focal point.

60. Integrating protection and assistance in humanitarian crisis situations was vital, and should include the deployment of human rights monitoring missions in safe areas and camps to assist with the return of displaced persons to their own countries. Missions were the best way to test the effectiveness of the collaborative approach in providing protection and assistance to such persons. They made it possible to engage in a dialogue with the Governments and authorities concerned, with due respect for national sovereignty. Ideally international cooperation should merely complement national action.

61. In response to the request by the Secretary-General, and in cooperation with independent research institutions, he had conducted an in-depth study of the problem of internal displacement with a view to promoting the adoption of appropriate strategies. The study would be published by the Brookings Institution early in 1998.

62. Internal displacement within a given country often foreshadowed a refugee flow across international borders which could destabilize an entire region. The development of a system of international protection and assistance for the internally displaced was the best guarantee of international peace and security.

63. **Mr. Farhadi** (Afghanistan) expressed deep appreciation for the report on the situation of human rights in Afghanistan (A/52/493), prepared with courage and objectivity by the Special Rapporteur of the Commission on Human Rights following numerous visits to Afghanistan, particularly in areas occupied by the Taliban mercenaries. He regretted that illness had prevented the Special Rapporteur from presenting his report to the Committee in person.

64. He recalled the forthcoming visit to Kabul by the Special Adviser to the Secretary-General on Gender Issues and the Advancement of Women, for the purpose of meeting Taliban leaders, as well as the 1995 visit of the United Nations Under-Secretary-General for Humanitarian Affairs, who had obtained from the Taliban a verbal promise that girls' schools would be reopened, a promise which, of course, had never been kept.

65. The human rights situation in Afghanistan, compared to that described in the previous report (A/51/481), had worsened due to intensified human rights violations by the Taliban in the regions which they occupied, including Kabul.

66. Since the Special Rapporteur had presented his latest report to the Secretariat, the Taliban had committed acts of genocide in the villages in the north of the country, as reported by Amnesty International in its paper on the continuing atrocities against civilians. The report specified that on 14 September 1997, 70 civilians including women and children had been deliberately massacred in a village situated south of Mazar-I-Sharif.

67. The latest report of the Special Rapporteur (A/52/493, para. 26) and the report of the Secretary-General of 16 June 1997 (A/51/929-S/1997/482, para. 29) had emphasized the open ethnic hostility between the Taliban and the opposition camp.

68. The Taliban had banned and dissolved the two existing women's associations as well as associations of lawyers, journalists and writers. Before the Taliban military invasion, women had made up 30 per cent of the lecturers at the University of Kabul, 70 per cent of the schoolteachers, 50 per cent of the civil servants and 40 per cent of the doctors. Also, there were 45,000 war widows with dependent children in Kabul, who had been placed in a very difficult situation because they were prohibited from working. The Special Rapporteur pointed out in paragraph 136 of his latest report that the situation of women had deteriorated further, particularly in areas controlled by the Taliban.

69. As a Muslim and the representative of an Islamic country, he welcomed the Special Rapporteur's statement in paragraph 137 of his latest report that, according to qualified sources, the policies applied by the Taliban in the areas under their control did not constitute a correct interpretation of the Shariah, and that they had a highly idiosyncratic vision of Islam which had been disputed by numerous Sunni theologians (para. 29). As it was pointed out in paragraph 28, the Taliban therefore appeared as just another armed group having no institutional capability, and whose decrees were mainly aimed at showing people who was in power. The various measures taken by the Taliban proved that they were aware that their policies had become even less popular and that their power was eroding.

70. The atrocities committed by the Taliban constituted flagrant violations of the Universal Declaration of Human Rights and of the Convention on the Prevention and Punishment of the Crime of Genocide, the fiftieth anniversary of which would be celebrated in 1998. The perpetrators of such actions were subject to prosecution and punishment in other parts of the world, and his delegation proposed that some means should be found to prosecute the members of the Taliban who were responsible for acts of ethnic cleansing, genocide, gender apartheid and human rights abuses.

71. Finally, he thanked all agencies and organizations, particularly the International Committee of the Red Cross, for helping the Afghan people to relieve their sufferings and for supporting their fundamental rights.

72. **Mrs. Al-Awadi** (Kuwait) said that the report on the elimination of all forms of religious intolerance (A/52/477), prepared by the Special Rapporteur of the Commission on Human Rights, contained incorrect information about Kuwait. Firstly, it stated that citizenship was denied to non-Muslims (para. 30), which was untrue; for example, the Ambassador of Kuwait in Tokyo was a Christian. Secondly, it was incorrectly stated in paragraph 33 that the conversion of a Muslim to another religion was strictly prohibited and is punishable by death. Thirdly, the allegation in paragraph 33 that the publication in Kuwait of non-Muslim religious material was prohibited was groundless, since freedom of religion was recognized in Kuwait and there were several churches, which enabled Christians to practise their religion. Fourthly, with regard to the freedom to dispose of religious property, paragraph 34 of the report stated that the authorities refused permission to build, enlarge or renovate non-Muslim places of worship. That was patently untrue since a church was currently under renovation in Kuwait.

73. The Special Rapporteur should be objective and obtain his information from reliable sources. Her delegation would respond in writing in due course.

74. **Mr. Al-Shamsi** (United Arab Emirates) said that the report on the elimination of all forms of religious intolerance (A/52/477) contained incorrect information on the United Arab Emirates, and that his Government would transmit its response through the Commission on Human Rights in Geneva.

The meeting rose at 12.30 p.m.